

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS, UNITED BROTHERHOOD)	
OF CARPENTERS AND JOINERS OF)	
AMERICA,)	
)	14 CV 2911
Plaintiff/Counter Defendant,)	
vs.)	Judge Ellis
)	
UNIQUE CASEWORK INSTALLATIONS, INC.)	
)	
Defendant/Counter Plaintiff.)	

**PLAINTIFF/COUNTER DEFENDANT'S MOTION FOR JUDGMENT ON THE
PLEADINGS ON PLAINTIFF'S CLAIM**

Plaintiff/Counter Defendant ("the Union"), by its attorney Nicholas E. Kasmer, of Whitfield, McGann, and Kettermann, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, move this Honorable Court to grant the Union's Motion on the Pleadings with regards to its claim against the Defendant/Counter Plaintiff, Unique Casework Installations, Inc. ("Defendant"). Further, in support in support of this Motion the Union states the following:

1. The Union obtained an arbitration award ("Award") against the Defendant on March 4, 2014. (Exhibit 1.)
2. The Union obtained a supplementary award ("Award") setting forth the exact amounts owed on August 9, 2014. (Exhibit 2.)

3. The Union filed its Complaint ("Complaint") to enforce the Award against the Defendant on April 23, 2014. (Exhibit 3.)

4. The cause of action was assigned to this Court. (Docket Entry 3.)

5. The Defendant filed its Answer ("Answer") along with three affirmative defenses and a counterclaim to vacate the Award on September 5, 2014 along with a separate counterclaim against the Union. (Docket Entry 17; Exhibit 4.)

6. The Union filed a motion to strike the Defendant's affirmative defenses and dismiss the counterclaims on September 30, 2014. (Docket Entry 19-20.)

7. This Court partially granted the Union's September 30, 2014 motion and struck the Defendant's affirmative defenses and dismissed its counterclaim to vacate the Award on December 9, 2014 because the Defendant failed to file its counterclaim and affirmative defenses within the requisite statute of limitations period. (Docket Entry 28.)

8. The only pleadings filed in regard to the Union's primary case are the Complaint and the Answer.

9. The Defendant as part of its Answer admits that there was an arbitration hearing on January 16, 2014, that the Award was issued on March 4, 2014, that a supplementary award was issued on August 9, 2014, and that it has not paid any amounts to the Union to satisfy the Award. (Docket Entry 17, pg 3.)

10. “After the pleadings are closed –but early enough not to delay trial—a party may move for judgment on the pleadings.” Fed.R.Civ.Pro 12(c).

11. The Union believes that it is entitled to Judgment on the Pleadings pursuant to Rule 12(c) based on the Answer and the Complaint as well as this Court’s December 9, 2014 ruling.

12. The Union is owed \$19,856.84 in backpay, \$12,548.29 in fringe benefit contributions, and 9,031.46 attorneys fees/costs based on the Award. The Union also requests its attorneys fees and costs in incurred in pursuing this action to enforce the Award which are \$15,094.50. (Exhibit 5; Exhibit 6.)

13. The Union incorporates, herein a supporting memorandum of law filed in conjunction with this motion.

WHEREFORE, the Union prays that the court grant its Motion for Judgment on the Pleadings on its Complaint and asks for Judgment to be entered against the Defendant in the amount of \$56,531.09.

Dated: December 19, 2014

/s/ Nicholas E. Kasmer

One of the attorneys for the
Plaintiff Chicago Regional Council of
Carpenters

Nicholas E. Kasmer (#6289887)
WHITFIELD, McGANN & KETTERMAN
111 East Wacker Drive, Suite 2600
Chicago, IL 60601
(312) 251-9700 Fax (312) 251-9701

CERTIFICATE OF SERVICE

I, Nicholas E. Kasmer, being first duly sworn on oath, deposes and says that I served the attached MOTION FOR JUDGMENT ON THE PLEADINGS via US Mail to the below service list and by depositing in the U.S. Mail at 111 E. Wacker Drive, Suite 2600, Chicago, Illinois, a true and correct copy thereof in a sealed envelope, first class postage prepaid and addressed to the person/s on the Service List before the hour of 5:00 p.m. on December 19, 2014.

/s/ Nicholas E. Kasmer

Nicholas E. Kasmer

Service List:

Yvonne Coleman
Law Office of H. Yvonne Coleman, P.C.
208 S. LaSalle Street
Suite 1887
Chicago, IL 60604